

## **REMARKS**

### **Status of the Claims:**

The Office Action dated November 17, 2006 has been received and reviewed by the applicant. Claims 1-23 are pending in the application. Claims 1-23 stand rejected.

### **Claim Rejection - 35 USC §103**

Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meron in further view of Wortmann et al. (U.S. 2003/0149680).

Claims 6, 8, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meron in further view of Zhang et al. (U.S. Patent No. 6,181,810) hereafter Zhang.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meron in view of Christensen et al. (U.S. Patent No. 6,243,502).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meron in view of Christensen and in further view of Qian (U.S. Patent No. 6,332,033).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meron in view of Christensen.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meron in view of Christensen and in further view of Qian.

### **Claim Rejection - 35 USC §102**

Claims 1, 7, 9-12, 18, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Meron et al. (U.S. Patent No. 6,950,690).

In the Applicants' invention, a real-time automatic abnormality detection of in vivo images, does not require an entire first pass to generate a usable images for GI tract diagnosis. Image data can be viewed in real-time or alternatively, at some later time. Throughout this patent application, 'real-time' means that the abnormality detection, analysis, and signaling process begins as soon as in vivo image becomes available, although the imaging capsule is still traveling throughout the GI tract. Real-time imaging in this respect is different than capturing images in very short periods of time. *See*, Applicant's specification at page 6, lines 12-19.

In sharp contrast, the cited Meron patent teaching a medication delivery system by locating specific parts of the tract where the medication should be delivered. He employs two passes of in vivo imaging and external sensors. Meron discloses generating an entire GI tract map in a first pass. Meron compares the first pass of images with a second pass of images. The generated map is used to direct a utility device to travel, during the second pass, to a diseased spot in the GI tract to deliver appropriate medicine. Therefore, no real-time capture or image processing or detection or analysis or signaling of an alarm at the moment an in vivo image becomes available is disclosed by Meron. Moreover, the Applicant is able to perform the claimed steps in one sole uncompleted pass. There is no need to perform a second pass with Applicant's claimed invention.

The Applicants have amended Claims 1 and 12 in an attempt to further clarify the above point. The claimed invention is an on-going, dynamic process that happens during the in-vivo's camera's travel through a GI tract, rather than at the completion of travel through the whole GI tract. Hence, the applicants can pinpoint with great specificity where an actual abnormal portion of the tract is and what the abnormality is using the patient's information.

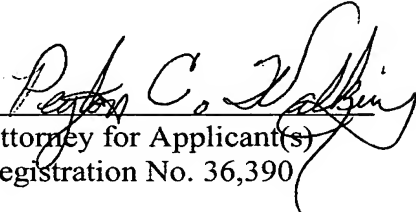
Furthermore, there is no explicit alarm taught or disclosed in Meron. The passage cited by the Examiner (Col.6, lines 61-64) refer to monitoring of blood pressure or temperature by a sensor means, as described by Meron in Col. 3, line 36-39, instead of cueing a passive user that a GI tract abnormality has been detected. Meron requires analysis of a sensor, such as one that senses temperature, pH, or parasites. For the Applicant's claimed invention the analysis has already been automatically completed and a mere signal is given at the time of its completion.

Consequently, Claims 1 and 12 are novel because at least one of Applicant's features is missing in the cited art of Meron. The remaining claims are dependent from these claims and are considered to be patentable for at least the same reasons.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b) and 35 U.S.C. 103(c). If there are any formal matters remaining after this response, Applicants' attorney would appreciate a telephone call to attend to these matters.

In view of the foregoing, this application is believe to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

  
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Attorney for Applicant(s)  
Registration No. 36,390

Peyton C. Watkins/set  
Rochester, NY 14650  
Telephone: 585-477-7419  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.